

REGULATING PRACTICE OF PSYCHOLOGY IN D.C.

DECEMBER 10, 1970.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. McMILLAN, from the Committee on District of Columbia, submitted the following

REPORT

[To accompany S. 1626]

The committee on the District of Columbia, to whom was referred the bill (S. 1626) having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 13, strike out lines 14 through 22 and insert in lieu thereof the following:

SEC. 17. Section 14-307 of title 14 of the District of Columbia Code shall apply with respect to any person licensed or certified under this Act to the same extent that such section applies to physicians and surgeons.

PURPOSE OF THE BILL

The purpose of this bill, (S.1626) is to find, by legislative declaration, that the practice of psychology in the District of Columbia is clothed with the public interest as affecting the health, welfare, and safety of the community and to provide for the establishment of a Board of Psychologist Examiners to exercise the authority granted, thru regulation and control of processes of registration and licensing, that only qualified persons may hold themselves out to the public as practitioners.

NEED FOR THE LEGISLATION

Surrounded as it is by jurisdictions which require license under state law before a person may engage in the practice of psychology, the District of Columbia affords open territory for the untrained, unqualified, and unscrupulous "practitioner" who holds himself out as offering skilled services to the public. As a result, some residents

of the District have had their lives and well-being adversely affected by the quackery of some such fraudulent persons posing as trained psychologists.

BACKGROUND

In recent years, significant developments in the field of psychology have brought its application to our schools, colleges, business and otherwise in the social fabric of our community life. In recognition of this fact and the necessity of establishing standards for the practice of the profession, to protect the public from the charlatan, state, legislatures, in cooperation with the ethical qualified and trained practitioners, have enacted state laws to assure a sound professional practice in the field of psychology.

As of last year, more than 40 states have adopted such protective laws. The list of states is as follows:

STATES WITH LAWS REGULATING THE PRACTICE OF PSYCHOLOGY

Alabama (1963)	Kansas (1967)	North Carolina (1967)
Alaska (1967)	Kentucky (1948)	North Dakota (1967)
Arizona (1965)	Louisiana (1964)	Oklahoma (1965)
Arkansas (1955)	Maine (1953)	Oregon (1963)
California (1957)	Maryland (1957)	Rhode Island (1969)
Colorado (1961)	Michigan (1959)	South Carolina (1968)
Connecticut (1945)	Minnesota (1951)	Tennessee (1953)
Delaware (1962)	Mississippi (1966)	Texas (1969)
Florida (1961)	Nebraska (1967)	Utah (1959)
Georgia (1951)	Nevada (1963)	Virginia (1946)
Hawaii (1967)	New Hampshire (1957)	Washington (1955)
Idaho (1963)	New Jersey (1966)	Wyoming (1965)
Illinois (1963)	New Mexico (1963)	
Indiana (1969)	New York (1956)	

The American Psychological Association has developed a set of standards and criteria as a basis for the recommendation of language for regulatory legislation. These guidelines have been regarded carefully in the development of this bill as amended.

Within the District of Columbia, leaders in the practice of psychology have endeavored to establish some standards which might maintain some degree of excellence among those who offered services to the public. Since this effort depended on voluntary conformity with the standards, since there were no effective sanctions against offenders, and since anyone could advertise himself as a psychologist, the profession turned to the Congress proposing formal legislative action to bring about supervision of the practice in the District.

Legislative action began in the 89th Congress without any final action on a bill. During the 90th Congress, hearings were held in both the House and Senate (S. 1864 and H.R. 10407). Problems arose relating to the definition of the boundary lines of practice between psychology and allied practices. The Washington Psychological Association, the Washington Psychiatric Society, the Washington Psychoanalytic Society, and the Medical Society of the District of Columbia were active in trying to resolve the differences and find an agreement on certain terms. No legislation was reported from the Committee during the 90th Congress.

In the 91st Congress, the terms arrived at during the previous Congress were put into the pending legislation (H.R. 9181 and S. 1626)

which measures have the endorsement of the District government and the professional organizations mentioned above.

COMMITTEE AMENDMENT

Your Committee is reporting the legislation as amended and passed by the Senate but has added one amendment. This amendment, strikes the entire section 17 of the Senate bill S. 1620 and inserts new language which incorporates by reference the provisions of the District of Columbia Code (Sec. 14-307) relating to the confidential relationship of doctor and patient and making the protections as to testimony applicable to the practice of psychology.

Your committee calls particular attention to the language in Section 10 and desires to emphasize that the intent of the Congress is that the costs of establishing the Board and its continuing operation shall be met from the fees charged for registration and licensing of those practicing in the District of Columbia. The fees and charges shall be set at such levels, and changed when necessary, so that other public funds need not be used.

PROVISIONS OF THE BILL

The first section of the bill cites the act as the "Practice of Psychology Act."

Section 2 declares the practice of psychology to affect the public health, safety and welfare and to be subject to regulation and control in the public interest.

Section 3 defines the terms used in the bill. "The practice of psychology" is defined as the rendering to the public for a fee any service involving the application of established methods and principles of the science and profession of psychology which are concerned with understanding, predicting, and changing behavior.

Section 4 requires persons licensed under the act to assist their clients in obtaining professional help for all relevant aspects of the client's problems which are outside the psychologist's competence. Provision is made for the diagnosis and treatment of relevant medical problems by a qualified medical practitioner, and for effective collaboration with such a practitioner when a medical problem is involved. The section further provides that no licensed psychologist shall administer or prescribe drugs or perform surgery or any manual or mechanical treatment.

Section 5 requires the licensing of persons who practice psychology for a fee, except for psychologists employed by, or providing services through a Government agency, or those employed by academic institutions or research laboratories, provided that their services do not include psychotherapy. Also exempted are psychology interns and residents and persons employed by licensed psychologists as defined in the bill. The section provides that qualified members of other businesses and professions which are recognized by the Commissioner of the District of Columbia shall not require a license to engage in work of a psychological nature in the District so long as they do not represent themselves to the public as psychologists. It further provides that visiting psychologists who are licensed under the laws of a State or territory of the United States or a foreign country, with standards substantially equivalent to those of this act and who meet the require-

ments for a license may practice in the District without a license for a period of 60 days provided that they are invited or employed by a licensed psychologist and registered with the Commissioner.

Section 6 provides that the Commissioner shall be responsible for issuing and renewing licenses, authorizes him to provide for the preparation and administration of necessary examinations, to appoint a board of psychologist examiners and to require the maintenance of public records concerning the granting, refusal, suspension and revocation of licenses.

Section 7 sets forth requirements for obtaining a license:

Good moral character;

Doctoral degree in psychology or a related field, plus two years of postgraduate experience beyond the internship;

Successful completion of an examination and

Payment of a fee to be determined by the Commissioner.

Section 8 provides for licensing without examination within 1 year, of psychologists who maintain a residence or office and participate in psychological activities within the District and who otherwise would qualify for a license. The section allows, as a substitute for the requirement of a doctoral degree plus 2 years postgraduate experience, a masters degree in psychology and 7 years of practical experience.

Section 9 authorizes the Commissioner to grant a license without examination to any person who has received a license from a state or foreign country with standards substantially equivalent to those of the District or who have been certified by a national examining board as a result of an examination acceptable to the Commissioner.

Section 10 authorizes the District of Columbia Council to make regulations to carry out the purposes of the act and authorizes the Commissioner to fix fees to be charged in such amounts as may be necessary to defray the costs of administering the Act.

Section 11 provides for the renewal of licenses or payment of an annual fee.

Section 12 authorizes the Commissioner to refuse, revoke, or suspend the license of any person—

Convicted of a crime involving moral turpitude,

Found to be using to excess any drug or alcoholic beverage which may affect his professional ability,

Convicted of a violation of this act,

Determined to be mentally incompetent, or

Found guilty of the unethical practice of psychology in violation of standards set by the Commissioner.

Section 13 sets forth procedures to be followed by the Commissioner in suspending or revoking a license or certificate. Before a license is revoked, suspended or refused, the person whose right to practice psychology is challenged shall be entitled to a hearing and to produce witnesses on his behalf. The Commissioner is required to justify his decision in writing and must include detailed finding of fact. A review of the Commissioner's decision can be made in the District of Columbia Court of Appeals, and that court's ruling shall be subject to appeal to the U.S. Court of Appeals, District of Columbia.

Section 14 provides that any person practicing psychology without a license or registration certificate shall be guilty of a misdemeanor subject to a fine of not more than \$500 or confined in jail for a period of 6 months, or both.

Section 15 permits injunction actions in the U.S. District Court to prevent persons found guilty of violating the act from continuing to practice psychology.

Section 16 directs the Commissioner to enforce the provisions of the act.

Section 17, as amended by the Committee amendment, provides that D.C. Code sec. 41-307, relating to the confidential relationship of doctor and patient shall likewise apply to the practice of psychology in the District of Columbia.

Section 18 authorizes appropriations necessary to pay the expenses of the administration in carrying out the purposes of the act.

Section 19 provides a standard severability clause.

Section 20 provides that the Act shall be effective 90 days after enactment.

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